

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 3:17-CR-0224-MO

v.

**FINDINGS AND  
RECOMMENDATION**

JAMES PEPION,

Defendant.

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**TO THE HONORABLE MICHAEL W. MOSMAN, UNITED STATES DISTRICT JUDGE:**

Upon defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure ("FRCP"), this matter came on for hearing before U.S. Magistrate Judge Stacie F. Beckerman on June 30, 2017, with the consent of the defendant, counsel for the defendant, and counsel for the United States of America.

The hearing on defendant's plea of guilty was in full compliance with FRCP 11, before the Magistrate Judge in open court and on the record.

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In consideration of that hearing and the statements made by the defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for the defendant,

I FIND as follows:

- (1) that the defendant understands the nature of the charges against him to which the pleas are offered;
- (2) that the defendant understands his right to trial by jury, to persist in his pleas of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;
- (3) that the defendant understands the maximum possible sentence, including the effect of the supervised release term, and the defendant understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;
- (4) that the pleas of guilty by the defendant have been knowingly and voluntarily made and are not the result of force or threats or of promises apart from the plea agreement between the parties;
- (5) that the defendant is competent to plead guilty;
- (6) that the defendant understands that his answers may later be used against him in a prosecution for perjury or false statement; and
- (7) that there is a factual basis for the defendant's pleas.

**Accordingly, I RECOMMEND that the Court accept the defendant's pleas of guilty.**

Any objections to the Findings and Recommendation are due fourteen (14) days from service. If no objections are filed, then the Findings and Recommendation will go under advisement on that date. If objections are filed, any response is due within fourteen (14) days. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

Dated this 30th day of June, 2017.

A handwritten signature in black ink, reading "Stacie F. Beckerman". The signature is written in a cursive, flowing style.

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STACIE F. BECKERMAN  
United States Magistrate Judge